

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6011 of 1986

and

SPECIAL CIVIL APPLICATION No 6012 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHIKHAJI D THAKOR

Versus

DIRECTOR OF YOUTH SERVICES & CULTURAL ACTIVITIES

Appearance: In Both the Special Civil Applications:

MR PRADEEP P BHATT for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/02/98

ORAL JUDGEMENT

1. The special civil application No.6012/86 was not on the Board today but the counsel for the petitioner made a request for calling of the papers of the special civil application, and accordingly, the papers were called. On the request of the counsel for the petitioners, both the matters were taken up for hearing

together and are being disposed of by this common order.

2. In the special civil application No.6011/86 there is one petitioner and he joined the services of the respondent No.1 on 17th July, 1984 on daily wages. His services were brought to an end by an oral order on 30th August, 1986. Hence, this special civil application before this Court.

3. In the special civil application No.6012/86 there are four petitioners. The petitioners No.1 and 2 were appointed as daily wagers in the office of the respondent No.1 in October, 1983. The petitioner No.3 was appointed on daily wages in February, 1984 and the petitioner No.4 was appointed on daily wages in July, 1984. The services of all the petitioners were brought to an end on 30th August, 1984. Hence, this special civil application before this Court.

4. In both these special civil applications, prayer has been made by the petitioners to direct the respondents to reinstate them in service with full backwages and to give the benefit of service as per the Government Resolution dated 6-2-1976. Further prayer has been made for direction to the respondents to pay the petitioners equally as other regular employees discharging the same duties from the date of joining the service.

5. Admittedly, the petitioners were appointed by the respondents on daily wages and their services were brought to an end on 30th August, 1986. Daily wager has no right to hold the post and the respondents have all the right to terminate their services when they have no work available for them. Daily wagers cannot be treated at par with the regular employees and their services are terminable at any time when the work is not available. The resolution which is sought to be put in service by the petitioners is of little help to them as it is not the right of a daily wager to be appointed for all the time and to be made permanent. If such course is adopted then the daily wage appointments will become a conduit pipe for making regular appointment and it will open flood gates for corruption and nepotism. Prayer of the nature as made by the petitioners in these special civil applications cannot be granted. The termination of the services of the petitioners does not suffer from any illegality also. The petitioners are unable to satisfy this Court how any of their legal or fundamental rights is being infringed.

6. There is yet another ground on the basis of which the prayer made by the petitioners cannot be granted. Admittedly, the petitioners' services were terminated on 30th August, 1986. So they are not in employment for all these years. They were on daily wages and after so many years, no such relief can be granted to the petitioners so that they may be taken back in the service. By now the petitioners would have settled elsewhere also.

7. In the result, both these special civil applications fails and the same are dismissed. Rule discharged.
